

Response to Comment
Las Posadas Forest Fire Station Replacement Project
Napa County, California
State Clearinghouse Number 2010112039

Prepared by:

The California Department of Forestry and Fire Protection
P.O. Box 944246
Sacramento, CA 94244-2460

December 22, 2010

The California Department of Forestry and Fire Protection (CAL FIRE) is serving as Lead Agency for California Environmental Quality Act (CEQA) compliance for the above-listed proposed project. An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared, filed at the State Clearinghouse on November 16, 2010, and distributed or made available for a 30-day public and agency review period in conformance with CEQA Guidelines 14 CCR §15105(b) and §15072(b). The 30-day public and agency review period began on November 16, 2010 and ended on December 15, 2010. A total of two (2) comment letters containing four (4) written comments were submitted to the Department. Both of these letters containing the four comments came from public agencies. No letters and no comments were submitted from members of the general public. On December 17, 2010, confirmation was received from the State Clearinghouse that no additional letters, other than these two sent directly to CAL FIRE, had been submitted to the State Clearinghouse. All four of these comments were given full consideration by the Department. The four written comments from public agencies came from:

- (NC) Mr. John McDowell, Deputy Planning Director, Napa County Conservation, Development, and Planning Department, 1915 Third Street, Suite 210, Napa, CA, 94559.
- (CDFG) Mr. Scott Wilson, Acting Regional Manager, California Department of Fish and Game, Bay Delta Region, 7329 Silverado Trail, Napa, CA, 94558.

This document contains CAL FIRE's responses to all substantive comments received during the public review period. A complete presentation of each comment appears below, followed by CAL FIRE's response. A complete copy of each comment letter submitted to the Department is also included. A copy of this **Response to Comment** document will be mailed to each comment submitter, is included as part of the Final CEQA Document, and has become part of the CEQA Administrative Record supporting this project.

Comments from Public Agencies (4)

Comment #1 (NC): The Napa County Conservation, Development and Planning Department has no comments on the proposed Las Posadas Forest Fire Station Replacement Project (SCH#

2010112039). Thank you for the referral of the IS/MND and requesting our comments on the proposal.

Response to Comment #1: CAL FIRE appreciates the written response from Napa County even if only to indicate no comments.

Comment #2 (CDFG): Mitigation measure 5 discusses measures to protect bats; however, this mitigation does not adequately avoid potential impacts to bats. Bats can occupy trees year round and are particularly susceptible to disturbance during the maternity season and during hibernation. Some bats, such as pallid bats, do not migrate and stay close to their summer roosts. Pallid bats are also known to switch roosts on a daily basis and seasonally. Thus, DFG recommends that this mitigation measure be revised to state that all trees suitable for use by bats be surveyed for signs of bats no earlier than two to three days prior to tree removal or construction activities. If bats are discovered during the surveys then a buffer of 100 to 150 feet should be established. The optimal time to remove trees is September 15 through October 15, when young would be capable of flying and February 15 to April 1 to avoid hibernating bats and prior to formation of maternity sites.

Response to Comment #2: CAL FIRE has revised Mitigation Measure #5 to include the provisions requested by CDFG. These changes are displayed in strike-out and underlined text on pages 23, 40, and 69-70 of the Final CEQA Document.

Comment #3 (CDFG): Mitigation Measure 9 states that if ground-disturbing activities were to take place between February 1 and September 1, bird surveys would be conducted no earlier than 14 days prior to the project activities and if a nest is identified then a 100-foot buffer would be established. Fish and Game Code § 3503.5 states it is unlawful to take, possess, or destroy any birds in the orders of Falconiformes or Strigiformes (birds-of-prey or raptors) or take, possess, or destroy the nest or eggs of any such bird. Fish and Game Code § 3503 states that is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird. Buffer distance varies with species and within the same species. A 100-foot buffer can be inadequate for certain species of birds. DFG recommends that the Project specifies: 1) that surveys for birds will be conducted no earlier than 14 days prior to tree removal and/or breaking ground, 2) in the event that nesting birds are found, the project applicant will consult with DFG and obtain approval for nest-protection buffers prior to tree removal and/or ground-breaking activities, and 3) nest protection buffers will remain in effect until the young have fledged.

Response to Comment #3: CAL FIRE has revised Mitigation Measure #9 to include the provisions requested by CDFG. These changes are displayed in strike-out and underlined text on pages 23-24, 43, and 71 of the Final CEQA Document.

Comment #4 (CDFG): The project site is located within northern spotted owl habitat (NSO; *Strix occidentalis caurina*) and is approximately 0.5 miles of a documented NSO activity center, NSO0028NAP. NSO is listed as threatened under the federal Endangered Species Act and is a California Species of Special Concern. Conversion of NSO habitat has resulted in fragmentation of NSO habitat in the Angwin area. The MND does not include an assessment of the effects the project will have on the permanent removal of NSO habitat. The MND should discuss the

potential impacts the permanent removal of habitat will have on NSO and identify measures to mitigate any such effects.

Response to Comment #4: As requested by CDFG, a Senior Wildlife Biologist on staff at CAL FIRE has assessed the potential impact to NSO resulting from implementation of the proposed project. Also as requested, the results of that assessment have been included in the Final CEQA Document. These changes are displayed in strike-out and underlined text on pages 41 and 87 of the Final CEQA Document. CAL FIRE has concluded that it is highly unlikely that conversion of two acres of foraging habitat approximately 0.4 miles distant from a historic NSO Activity Center to a non-suitable condition would result in take of this federally listed species. This conclusion is based on the current extent of the habitat type, and CAL FIRE's commitment to implement protocol surveys and to establish disturbance buffers, with seasonal activity restriction, if necessary. No additional mitigation measures are deemed necessary.

Copies of Comment Letters (2) With Comment Number Identified

Foster, Dan

From: McDowell, John [John.McDowell@countyofnapa.org]
Sent: Wednesday, November 24, 2010 9:59 AM
To: Sacramento Public Comment
Subject: Las Posadas Forest Fire Station Replacement Project (SCH#2010112039)

Please direct this email to Daniel Foster, Senior Environmental Planner

The Napa County Conservation, Development and Planning Department has no comments on the proposed Las Posadas Forest Fire Station Replacement Project (SCH# 2010112039). Thank you for the referral of the IS/MND and requesting our comments on the proposal.

COMMENT
#1

Sincerely

John McDowell
Deputy Planning Director
Napa County Conservation, Development and Planning Department
(707) 299-1354

State of California
Department of Fish and Game



Memorandum

Date: December 14, 2010

To: Mr. Daniel Foster
California Department of Forestry
and Fire Protection
Post Office Box 944246
Sacramento, CA 94244

From:  for
Scott Wilson, Acting Regional Manager
Department of Fish and Game – Bay Delta Region, 7329 Silverado Trail, Napa, California 94558

Subject: Las Posadas Forest Fire Station Replacement Project, Mitigated Negative Declaration,
SCH #2010112039, Town of Angwin, Napa County

The Department of Fish and Game (DFG) has reviewed the Mitigated Negative Declaration (MND) documents provided for the subject project, and have the following comments.

Mitigation measure 5 discusses measures to protect bats; however, this mitigation does not adequately avoid potential impacts to bats. Bats can occupy trees year round and are particularly susceptible to disturbance during the maternity season and during hibernation. Some bats, such as pallid bats, do not migrate and stay close to their summer roosts. Pallid bats are also known to switch roosts on a daily basis and seasonally. Thus, DFG recommends that this mitigation measure be revised to state that all trees suitable for use by bats be surveyed for signs of bats no earlier than two to three days prior to tree removal or construction activities. If bats are discovered during the surveys then a buffer of 100 to 150 feet should be established. The optimal time to remove trees is September 15 through October 15, when young would be capable of flying and February 15 to April 1 to avoid hibernating bats and prior to formation of maternity sites.

COMMENT
#2

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COMMENT
#3

Mr. Daniel Foster

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December 14, 2010

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COMMENT
4

If you have any questions, please contact Ms. Stephanie Buss, Environmental Scientist, at (707) 944-5502 or Mr. Richard Fitzgerald, Coastal Habitat Conservation Supervisor, at (707) 944-5568.